

**MINUTES
SMITHS GROVE CITY COMMISSION SPECIAL MEETING
MONDAY MARCH 11, 2013 6:00 PM**

All Members Present

Also Present: City Attorney Wes Milliken

Mayor Higginbotham called the meeting to order at 6:00 pm.

Mayor Higginbotham stated that this meeting was called per the request of Jimmy Cline and his family to deliberate the need for an Ordinance prohibiting the discharge of firearms in the city limits.

Mayor Higginbotham started off by informing all present that the Commission had researched and had contacted several other cities in the state asking for their ordinances if they had one. (We had received replies from sixteen (16) cities including Glasgow and Bowling Green. Out of the sixteen (16) cities that replied twelve (12) had a similar ordinance and four (4) did not have a similar ordinance.)

At this time Mayor Higginbotham opened the floor to Mr. Jimmy Cline to present his pros for the need of an ordinance. Mr. Cline stated that he felt it was needed for the safety of the citizens. Mayor Higginbotham stated that until now we had not had a complaint on the matter and that his original complaint had been handled so therefore he did not see the need for an ordinance. Mr. Cline stated that since the origination of this discussion there had been another incident where an older man on Highland Ave. had discharged his firearm in the city limits. At this point Mayor Higginbotham inquired of Chief Suoy what had happened. Chief Suoy stated that the gentleman was firing his weapon up in the tree to scare off the birds that were in his tree. Chief Suoy stated he told the gentleman that he needed to be careful and make sure the surroundings were safe and free of harming anyone or the property of others before ever discharging a firearm.

Commissioner David Stiffey stated that he would not mind if there was something on the books about being a nuisance or annoyance but that he did not totally want to restrict the discharge of a firearm in the city limits. He went on to explain that he had recently purchased a firearm because he has an issue with snakes and would use his gun to eliminate them in his yard and did not want to be punished for doing so.

Mayor Higginbotham took over the floor at this time and asked Chief Suoy "If in Smiths Grove someone were to discharge a firearm in an unsafe manner what could he (Chief Suoy) do?" Chief Suoy stated that they could be charged with Wanton Endangerment, Menacing, and/or Public Nuisance. Mayor Higginbotham stated that these State laws are stronger than any local laws. Mayor Higginbotham went on to read the descriptions of Wanton Endangerment, Menacing, and/or Public Nuisance and the possible penalties that go along with these felonies and misdemeanors. Once he was finished he stated he did not feel that we need an ordinance since it would not be as substantial as any of these.

Mr. Cline stated that laws were not any good unless the person(s) are caught. He also stated that he was under the understanding that if there were an ordinance in place that there was another law prohibiting the discharge of a firearm within fifteen hundred (1,500) foot of the city limits. Reference to this ordinance was not available.

Mayor Higginbotham stated that he does not feel that an ordinance will improve safety more than the currently applicable laws covering Wanton Endangerment, Menacing, and/or Public Nuisance and feels that an ordinance would be redundant. Therefore, Mayor Higginbotham does not feel that another ordinance is necessary. He stated we already have ordinances that are not being enforced because we do not have the manpower to do so. Commissioner Lawrence Stiffey stated that the city has a fireworks ordinance forbidding fireworks in the city limits but in all the years he has lived in the city it has never been enforced.

City Attorney Wes Milliken was asked what his view of the need for an ordinance was. He stated that it would depend on the circumstances. If someone was wildly displaying, or waving a gun they could be charged with Wanton Endangerment or possibly Terroristic Threatening and since this seems to be the type of conduct the Clines want to stop it would already be covered. He also stated he did not believe an ordinance would be adding anything to what is already in place.

With there being no further discussion, Mayor Higginbotham moved to table this item and not consider an ordinance. The motion was second by Commissioner Varner. The roll was called, Commissioner Varner – Yes, Commissioner Lawrence Stiffey – Yes, Commissioner Pierce – Yes, Commissioner David Stiffey – Yes, Mayor Higginbotham – Yes. Motion carried.

With there being no further business to conduct, Mayor Higginbotham adjourned the meeting at 7:28 pm.

APPROVED _____
BERT E. HIGGINBOTHAM, MAYOR

ATTEST _____
DEBORAH K. BREWER, CITY CLERK

DATE _____
Minutes were prepared by Deborah K. Brewer, City Clerk